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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MINNESOTA**

**AUG 16 2021**

**CLERK, U.S. DISTRICT COURT**  
**ST. PAUL, MINNESOTA**

Randall J. May  Plaintiff,  V.  Delta Air Lines,  Defendant.	Case No.: 1:21-cv-00710 (ADM/ECW)  <b>PLAINTIFF'S</b> <b>MOTION TO COMPEL</b>
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**EXPLANATION**

Honorable Judge Elizabeth Cowan Wright,

The Plaintiff Randall J. May and Defendant Delta Air Lines have reached a point of conflict that cannot be resolved through communication. The Plaintiff has had a "Meet and Confer" via telephone call with the Defendant's Attorneys Ben Kappelman and Brian Moen and also has had much correspondence via email with named Attorneys about the issue of a Discovery Request. This request is the Deposition of witness Edward Bastian, the correspondence will be attached in this filing.

Plaintiff requested the Depositions of (6) Delta Air Lines' employees on July 23<sup>rd</sup>, 2021 via email and as of August 15, 2021 not a single DATE/TIME has been provided or suggested by the Defendant for any Depositions. The only information given by Defense is that they are unwilling to meet at location I/ Plaintiff have provided them and that the Defendant objects to the Deposition of Edward Bastian.

**SCANNED**  
**AUG 18 2021**  
**U.S. DISTRICT COURT ST. PAUL**

Your Honor, I am asking that you overrule Delta Air Lines objection to the Deposition of Bastian and that you enforce Bastian showing up to be Deposed by the Plaintiff Randall J. May, so he can Discover information to prove his case beyond a doubt to the Jury.

Edward Bastian is the Chief Executive Officer at Delta Air Lines and according to the definition provided by Google, a CEO is: *the highest-ranking person in a company or other institution, ultimately responsible for making managerial decisions.* I would understand the Defendant's argument to not include Bastian had he never been included or involved but he was. On October 25<sup>th</sup>, 2018 at 4:31pm CST I emailed Bastian directly from my Delta email account. I included the entirety of what occurred on July 2<sup>nd</sup>, 2018 and the continual dismissal and denial of addressing the discrimination and intimidation that had taken place. Delta Air Lines puts out employee handbooks defining company policies and practices and for the year of 2018 they were called "Rules of the Road" and "The Way We Fly." In my email on October 25<sup>th</sup>, 2018 I quoted these supposed "values" directly to the Executive leadership at Delta Air Lines with Edward Bastian as the main recipient. I thought sending Bastian the supposed "rules" he had helped write would be a call to action to be a man of his word, but the managerial decision he made was to simply forward my email. On page DELTA000077 (of the only packet of information Delta's legal team has sent me so far) Edward Bastian forwarded my email to Rob Kight the Senior Vice President of Human Resources on October 26<sup>th</sup>, 2018 at 5:51am. I will include this set of emails in this filing.

When you begin working for a company you sign numerous documents to agree to their terms but that agreement is a two-way agreement. On page 10 of "The Way We Fly" it states "DISCRIMINATION IS NOT TOLERATED" and yet when I repeatedly reported Kelly Patton's discriminatory behavior to every level of management upward to Bastian and it was tolerated. It

was also tolerated by Human Resource Manager Leah Gajria when she witnessed it directly with her own eyes as Anthony Spencer and Kelly Patton engaged in discrimination.

Accountability for company culture starts at the top which is Edward Bastian. By dismissing the email I wrote directly to him titled "**Disability Accommodation Duress**" he set the tone that Discrimination, Interrogation, Hostility and Harassment are acceptable at Delta Air Lines and therefore he needs to be held accountable through Deposition for guiding a company in violation of the Federal Law of the Americans with Disabilities Act of 1990, as amended. Bastian's forwarded email was then again forwarded by Rob Kight SVP HR to a Director of HR and he included the words "Please handle." There was no worry about the violation of federal law or the fact that an employee with a Disability had been treated atrociously, Kight just said "Please handle" in an errant command. Clearly, it was not "handled" as Delta was served with a Federal Lawsuit 2.5 years later and this incident went on to destroy a marriage of two of its employees.

Your Honor, Edward Bastian is a person who has information about this lawsuit. I believe he may have the most information as to why lower level management thought Discrimination based on Disability was acceptable. His status as Chief Executive Officer does not exempt him from Federal Law. I have made this Motion so that I can discover the truth and receive Justice for the Injustices I faced at the hands of Delta Air Lines.

Thank you for your consideration of this Motion Your Honor,

Randall Joseph May